REMARKS

Claims 1-27 are pending.

Claim 10 stands objected to because of informalities.

Claims 1-3 stand rejected under 35 USC §102(a) as being allegedly anticipated by Lee et al. (US 2004/0088590) (hereinafter "Lee").

Claims 1-3, 7, 11-12, and 19-20 stand rejected under 35 USC §102(e) as being allegedly anticipated by Gosselin et al. (US 6,976,179) (hereinafter "Gosselin").

Claims 4-6, 9, 13-15, 17, 21-23 and 26 stand rejected under 35 USC §103(a) as being allegedly unpatentable over Gosselin as applied to claim 1 and 11 above, and further in view of Yu et al. (US 2005/0024651) (hereinafter "Yu").

Claims 10, 18, and 27 stand rejected under 35 USC §103(a) as being allegedly unpatentable over Gosselin and Yu as applied to claim 1, 9 or 11, 17 or 19, 26 above and further in view of Collins (U.S. Patent 6,697,573) (hereinafter "Collins").

Claims 8, 16, and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Changes in the Claims:

Claims 4, 13, 21 have been canceled.

Claims 1, 5, 6, 8-11, 14-17, 19, 22, 23, 25, 26 have been amended in this application to further particularly point out and distinctly claim subject matter regarded as the invention. The amendments are supported by the specification as originally filed, for example, at paragraphs [0030], [0031]. No new matter has been added.

Rejection under 35 USC §102(a) – claims 1-3

Claims 1-3 stand rejected under 35 USC §102(a) as being allegedly anticipated by Lee (US 2004/0088590). This rejection is respectfully traversed.

A claim must be anticipated for a proper rejection under §102(a), (b), and (e). This requirement is satisfied "only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference"; see MPEP §2131 and Verdegaal Bros. V. Union Oil, 814 F.2d 628, 2 USPQ2d 1051 (Fed. Cir. 1984). A rejection

under §102(b) may be overcome by showing that the claims are patentably distinguishable from the prior art; see MPEP §706.02(b).

Lee describes a method for optimizing power consumption in a mobile environment. The power mode of a host is determined to select a power management state. Lee is silent as to determining processor usage and battery levels. Furthermore, Lee does not teach or suggest a processor usage weight, or a battery level weight.

In contrast, the presently claimed invention claims "calculating a power mode value based on the processor usage, the battery level, a processor usage weight, and a battery level weight." Lee does not teach or suggest the above recited limitation.

The presently claimed invention is, accordingly, distinguishable over the cited reference. In the view of the foregoing, it is respectfully asserted that claims 1-3 are now in condition for allowance.

Rejection under 35 USC §102(e) – claims 1-3, 7, 11-12, and 19-20

Claims 1-3, 7, 11-12, and 19-20 stand rejected under 35 USC §102(e) as being allegedly anticipated by Gosselin (US 6,976,179). This rejection is respectfully traversed.

Gosselin describes a power management method for a peripheral device. In particular, Gosseling describes monitor the power situation and adjusting the operation of the peripheral card accordingly by first testing the battery condition. Col. 9, lines 4-10. Gosselin is silent as to determining battery levels and processor usage. Furthermore, Gosselin does not teach or suggest a processor usage weight, or a battery level weight.

In contrast, the presently claimed invention claims "calculating a power mode value based on the processor usage, the battery level, a processor usage weight, and a battery level weight." Gosselin does not teach or suggest the above recited limitation.

The presently claimed invention is, accordingly, distinguishable over the cited reference. In the view of the foregoing, it is respectfully asserted that claims 1-3, 7, 11-12, and 19-20 are now in condition for allowance.

Rejection under 35 USC §103(a) – claims 4-6, 9, 13-15, 17, 21-23, and 26

Claims 4-6, 9, 13-15, 17, 21-23, and 26 stand rejected under 35 USC §103(a) as being allegedly unpatentable over Gosselin as applied to claim 1 or 11 above, and further in view of Yu (US. 2005/0024651). This rejection is respectfully traversed.

Under MPEP §706.02(j), in order to establish a prima facie case of obviousness required for a §103 rejection, three basic criteria must be met: (1) there must be some suggestion or motivation either in the references or knowledge generally available to modify the reference or combine reference teachings (MPEP §2143.01), (2) a reasonable expectation of success (MPEP §2143.02), and (3) the prior art must teach or suggest all the claim limitations (MPEP §2143.03). See In re Royka, 490 F. 2d 981, 180 USPQ 580 (CCPA 1974).

Yu describes post processing media in mobile devices. Yu is silent as to processor usage weight or battery level weight.

Applicant respectfully submits that the proposed combination of Gosselin and Yu does not teach or suggest all of the claim limitations of claims 4-6, 9, 13-15, 17, 21-23, and 26. In particular, neither Gosselin nor Yu suggest "calculating a power mode value based on the processor usage, the battery level, a processor usage weight, and a battery level weight." The proposed combination of Gosselin and Yu does not teach or suggest to those of ordinary skills in the art the above recited limitation.

Applicant therefore submits that the rejection based the Gosselin and Yu reference be withdrawn. Thus, Applicant submits that claims 4-6, 9, 13-15, 17, 21-23, and 26 recite novel subject matter which distinguishes over any possible combination of Gosselin and Yu.

The presently claimed invention is, accordingly, distinguishable over the cited reference. In the view of the foregoing, it is respectfully asserted that claims 4-6, 9, 13-15, 17, 21-23, and 26 are now in condition for allowance.

Rejection under 35 USC §103(a) – claims 10, 18 and 27

Claims 10, 18 and 27 stand rejected under 35 USC §103(a) as being allegedly unpatentable over Gosselin and Yu as applied to claim 1, 9 or 11, 17 or 19, 26 above, and further in view of Collins (US Patent 6,697,573). This rejection is respectfully traversed.

Collins describes a method for reducing power consumption in battery powered devices. Collins is silent as to processor usage weight or battery level weight.

The arguments set forth above regarding the previous claims are equally applicable here.

Applicant respectfully submits that the proposed combination of Gosselin, Yu, and Collins does not teach or suggest all of the claim limitations of claims 10, 18, and 27. In particular, the proposed combined teachings of Gosselin, Yu, and Collins does not suggest "calculating a power mode value based on the processor usage, the battery level, a processor usage weight, and a battery level weight."

Applicant therefore submits that the rejections based on the Gosselin, Yu, and Collins references be withdrawn. Thus, Applicant submits that claims 10, 18 and 27 recite novel subject matter which distinguishes over any possible combination of Gosselin, Yu, and Collins.

Conclusion

For all of the above reasons, applicants submit that the amended claims are now in proper form, and that the amended claims all define patentable subject matter over the prior art. Therefore, Applicants submit that this application is now in condition for allowance.

Request for allowance

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

Invitation for a Telephone Interview

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: September 13, 2006

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